

Resolution of Intent To Amend

Date of Meeting: February 17, 2009

#9.

BOARD OF SUPERVISORS ACTION ITEM

SUBJECT: REVISED AMENDED RESOLUTION OF INTENT TO AMEND (1) THE ZONING ORDINANCE TO CREATE A NEW LIMESTONE OVERLAY DISTRICT, (2) THE ZONING MAP TO SHOW THE LIMESTONE OVERLAY DISTRICT, (3) THE FACILITIES STANDARDS MANUAL TO INCORPORATE NEW STANDARDS FOR DEVELOPMENT WITHIN THE LIMESTONE OVERLAY DISTRICT AND TO CLARIFY THE CERTAIN STANDARDS WITH APPLICATION THROUGHOUT THE COUNTY, (4) CHAPTER 1040 OF THE CODIFIED ORDINANCES TO INCORPORATE NEW STANDARDS FOR WATER WELLS WITHIN THE LIMESTONE OVERLAY DISTRICT, (5) CHAPTER 1066 OF THE LOUDOUN COUNTY CODIFIED ORDINANCES TO INCORPORATE NEW STANDARDS FOR PRIVATE SEWAGE DISPOSAL SYSTEMS WITHIN THE LIMESTONE OVERLAY DISTRICT, AND (6) THE LAND SUBDIVISION AND DEVELOPMENT ORDINANCE TO PROPERLY REFERENCE ALL NEW STANDARDS.

ELECTION DISTRICT: CATOCTIN/LEESBURG

CRITICAL ACTION DATE: AT THE PLEASURE OF THE BOARD

STAFF CONTACT: Larr Kelly, Zoning Administration
Terry Wharton, Acting Zoning Administrator

RECOMMENDATIONS:

Staff: At their July 15, 2008 Business Meeting the Board adopted an Amended Resolution of Intent to Amend the Zoning Ordinance, Zoning Map, the Facilities Standards Manual, Chapters 1040 and 1066 of the Codified Ordinances, to create and map the new Limestone Overlay District and to incorporate standards for development within the Limestone Overlay District. Staff is recommending a revision to the adopted resolution to also allow for clarifications to be made to existing standards within Chapter 6 of the Facilities Standards Manual, which have county-wide application.

BACKGROUND:

In 1991 a limestone overlay district was proposed and incorporated into the County's Comprehensive Plan. In January 2003 the Board of Supervisors of Loudoun County adopted the Revised 1993 Zoning Ordinance. The revisions included a Limestone Conglomerate Overlay District. In general, this district was designed to protect the environmentally sensitive areas of the County that are underlain by various kinds of limestone. The Virginia Supreme Court

subsequently voided the portion of the Revised 1993 Zoning Ordinance that contained the Limestone Conglomerate Overlay District due to notice issues. At the request of Supervisor Kurtz at the October 2, 2007 business meeting, the Board of Supervisors directed the staff to prepare a Resolution of Intent to Amend the Revised 1993 Zoning Ordinance to again incorporate the concepts of the Limestone Conglomerate Overlay District within a new Limestone Overlay District. Such resolution was adopted by the Board on November 20, 2007. At the direction of the Transportation/Land Use Committee staff was directed to prepare an amended Resolution of Intent to Amend to incorporate changes needed to Chapter 1066 of the Codified Ordinances dealing with private sewage disposal systems within the Limestone Overlay District. The resulting Amended Resolution included amendments to Chapters 1040 and 1066 of the Codified Ordinances which are designed to incorporate the same location standards for wells and drainfields as are proposed in the Limestone Overlay Zoning District, thereby enabling the Health Department to enforce these standards when reviewing the location of wells and drainfields. This Amended Resolution of Intent to Amend was adopted July 15, 2008. The Revised Amended Resolution of Intent to Amend included as Attachment 1, along with previous versions adopted by the Board of Supervisors, authorizes changes to ordinances that are necessary to create and map the new Limestone Overlay District and to incorporate standards for development within the newly created district.

These amendments are scheduled to be heard by the Loudoun County Planning Commission at their March 19, 2009 Public Hearing.

ISSUES:

The issue for the Board is whether to revise the previously adopted Resolution of Intent to Amend to resolve issues raised by the proposed amendments to Chapter 6 of the Facilities Standards Manual: Soils, Geotechnical and Hydrogeological Reviews. As staff has worked through the various ordinances to be amended, it became clear that in amending Chapter 6 of the Facilities Standards Manual, certain existing standards needed clarification. Through the years a number of standards have been subject to interpretation in their application. The changes proposed for the LOD clearly state these standards based on these past interpretations. In order to ensure that these standards continue to apply throughout the county, rather than creating the possible interpretation that there are two different standards, it is recommended that the initiating Resolution of Intent to Amend be revised to clearly indicate that changes to clarify such standards are being proposed. The major standards of Chapter 6 of the Facilities Standards Manual that will be affected include: standards for addressing Soils Map Certification, Preliminary Soils Review, Requirements for Geotechnical Studies, Requirements for Geophysical Studies, Boring Densities, Hydrogeologic Testing and Reporting Requirements, Fracture Fabric Analysis, Aquifer Pumping Test Duration, and reporting requirements for Communal Water Systems.

FISCAL IMPACT:

Staff time and resources which are already allocated within the Building and Development budget.

ALTERNATIVES:

1. Adopt the Revised Amended Resolution of Intent to Amend the Revised 1993 Zoning Ordinance, the Zoning Map, the Facilities Standards Manual, Chapters 1040 and 1066 of the Codified Ordinances, and the Land Subdivision and Development Ordinance to incorporate a new Limestone Overlay District, to map such district and to incorporate standards for development within such district and to clarify existing standards within Chapter 6 of the Facilities Standards Manual.
2. Do not revise the adopted Resolution of Intent to Amend.

DRAFT MOTION:

1. I move that the Board of Supervisors adopt the Revised Amended Resolution of Intent to Amend, included as Attachment 1 and dated February 17, 2009, to amend the Revised 1993 Loudoun County Zoning Ordinance, the Loudoun County Zoning Map, the Loudoun County Facilities Standards Manual, Chapters 1040 and 1066 of the Codified Ordinances, and the Land Subdivision and Development Ordinance contained in Attachment 1 for the purpose of creating a new Limestone Overlay District, to map the Limestone Overlay District, to create standards for development within the Limestone Overlay District and to clarify existing standards within Chapter 6 of the Facilities Standards Manual

OR

2. I move an alternate motion

ATTACHMENTS:

1. Revised Amended Resolution of Intent to Amend (dated February 17, 2009)

BOARD OF SUPERVISORS OF LOUDOUN COUNTY

REVISED AMENDED RESOLUTION OF INTENT TO AMEND THE REVISED 1993 ZONING ORDINANCE, ZONING MAP, FACILITIES STANDARDS MANUAL, CHAPTERS 1040 AND 1066 OF THE CODIFIED ORDINANCES AND THE LAND SUBDIVISION AND DEVELOPMENT ORDINANCE IN ORDER TO CREATE AND MAP A LIMESTONE OVERLAY DISTRICT AND TO CREATE THE STANDARDS FOR DEVELOPMENT WITHIN SUCH DISTRICT

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Article IV of the Revised 1993 Loudoun County Zoning Ordinance to add a new Section 4-1900, Limestone Overlay District, in order to provide for the protection of the natural environment and water and groundwater supplies within the area of the County that is underlain with limestone rock, to ensure public health and safety, and to reduce the potential for property damage resulting from subsidence or other earth movement; and

WHEREAS, the Board of Supervisors wishes to initiate an amendment to the Loudoun County Zoning Map in order to map the newly created Limestone Overlay District; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Chapters 6 and 8 of the Loudoun County Facilities Standards Manual in order to incorporate new standards for development within the newly created Limestone Overlay District; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Chapter 1040 of the Loudoun County Codified Ordinances to incorporate new standards for water wells within the Limestone Overlay District; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to Chapter 1066 of the Loudoun County Codified Ordinances to incorporate new standards for private sewage disposal systems within the Limestone Overlay District; and

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Land Subdivision and Development Ordinance in order to properly reference all new standards adopted to implement the Limestone Overlay District;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new provisions on the following matters:

1. Amend Article IV by adding a new Section 4-1900 Limestone Overlay District to the Revised 1993 Loudoun County Zoning Ordinance to establish performance criteria regarding development on land underlain by

limestone conglomerate to include adequate setbacks from outcrops of limestone and sinkholes.

2. Amend Section 6-407 of the Revised 1993 Loudoun County Zoning Ordinance to reference the new Limestone Overlay District;
3. Amend Article 8 of the Revised 1993 Loudoun County Zoning Ordinance to incorporate definitions for new terms related to the new Limestone Overlay District;
4. Amend the Loudoun County Zoning Map to show areas to which the newly created Limestone Overlay District shall apply

BE IT FURTHER RESOLVED that the Board of Supervisors states its intent to amend Chapters 6 and 8 of the Loudoun County Facilities Standards Manual, as needed, in order to incorporate specific design and construction standards applicable within the Limestone Overlay District. Chapter 6 amendments shall include revisions for the Limestone Overlay District that shall also have general application throughout the County, including, but not limited to, provisions revising sections on: Soils Map Certification; Preliminary Soils Review; Requirements for Geotechnical Studies; Requirements for Geophysical Studies; Boring Densities; Hydrogeologic Testing and Reporting Requirements; Fracture Fabric Analysis; Aquifer Pumping Test Duration; and Reporting Requirements for Communal Water Systems.

BE IT FURTHER RESOLVED that the Board of Supervisors states its intent to amend Chapter 1040 of the Loudoun County Codified Ordinances, as needed, in order to incorporate specific design standards for water wells within the Limestone Overlay District

BE IT FURTHER RESOLVED that the Board of Supervisors states its intent to amend Chapter 1066 of the Loudoun County Codified Ordinances, as needed, in order to incorporate specific design standards for private sewage disposal systems within the Limestone Overlay District

BE IT FURTHER RESOLVED that the Board of Supervisors states its intent to amend the Land Subdivision and Development Ordinance, as needed, in order to incorporate proper references to all new development standards created in other ordinances for development within the Limestone Overlay District.

BE IT FURTHER RESOLVED that (1) these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) that these matters be referred to the Planning Commission for preparation of ordinances; and (3) the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation and Board of Supervisors' action.